

February 13, 2024

**VIA ECF**

Hon. Leo. I Brisbois  
United States Magistrate Judge  
United States District Court

Re: *Manick v. Research and Diagnostic Systems, Inc. et al.*  
Civil Case No. 22-3140 (JWB/LIB)

Dear Magistrate Judge Brisbois:

We write on behalf of Defendants in response to Plaintiff's "update letter" filed on February 8, 2024 (Dkt. 65).

According to the letter, Plaintiff objects to every document on Defendants' privilege log and to redactions in Defendants' document production. Plaintiff asks the Court to order Defendants to remove every redaction and to conduct *in camera* review of every document on the privilege log.

This is a new issue before the Court. Plaintiff's Motion to Compel only requested that Defendants produce a privilege log in the first place. Moreover, Plaintiff filed this letter without meeting and conferring with us on this new concern.

Challenging privilege claims is a serious issue, and decisions ordering production of privileged material can be immediately appealable because the material cannot be un-seen once produced. Defendants withheld information containing attorney-client communications and where in-house counsel provided legal advice in anticipation of litigation. Defendants redacted confidential information regarding specific employees' exemption requests that have no bearing on Plaintiff's claim.

Defendants should not be required to remove redacted material and produce privileged documents based on a letter request without the opportunity to be heard. To the extent the Court is inclined to consider Plaintiff's letter, Defendants request the opportunity to present their arguments in a legal memorandum and be heard via formal motion practice.

Sincerely,

FREDRIKSON & BYRON, P.A.



Janet M. Dorr

**Direct Dial:** 612.492.7155

**Email:** jdorr@fredlaw.com